

**ASSEMBLY BILL**

**No. 361**

**Introduced by Assembly Member Kehoe**

February 14, 2003

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An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of Division 12.7 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Kehoe. San Diego Consolidated Transportation Agency.

Existing law establishes the San Diego Consolidated Transportation Agency from specified existing agencies, including the San Diego Association of Governments (SANDAG), the Metropolitan Transit Development Board (MTDB), and the North County Transit Development Board (NCTD), and authorizes the agency to assume certain responsibilities and functions of those other agencies. Existing law provides that the consolidated agency is governed by a board of 20 members selected from specified areas within the county and provides that the agency assumes the powers of the transportation commission and is designated the transportation planning agency for its area. Existing law provides that the executive director is the administrator of the agency and requires the agency to submit a report to the Governor and the Legislature beginning in 2005 regarding its progress in carrying out its powers and functions.

This bill would require the agency to have concluded the public process of preparing and adopting a regional comprehensive plan, based upon specified criteria by June 30, 2004. The bill would require the agency to make the comprehensive regional plan policies and

objectives available to all local agencies and to maintain data, maps, and other specified information used in formulating the comprehensive plan in a form suitable for the availability of and use by other government agencies, private organizations, and public review. The bill would require any proposal submitted to the Governor and the Legislature by the Legislative Analyst to be approved by a majority vote of the voters residing within the jurisdiction of the consolidated agency before legislation is enacted regarding the governance structure of the consolidated agency. Because the bill would impose additional duties on a local agency, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares that it is
- 2 critical that the people of San Diego County concur, through a
- 3 public vote, on the structure of governance that oversees
- 4 implementation of regional issues. The Legislature also finds that
- 5 the function of the consolidated agency is to plan and construct a
- 6 transportation system with an understanding and consideration of
- 7 the community as a whole. To maintain the quality of life all San
- 8 Diegans deserve, the consolidated agency should fully appreciate
- 9 all of the following:
- 10 (a) Transportation is only one of the many aspects of a region's
- 11 quality of life. In order to create a successful mobility system, land
- 12 use must be considered. Our water and air quality are also directly
- 13 connected to our transportation, urban infrastructure, and natural
- 14 resources.



1 (b) There is no single plan or agency that considers,  
2 comprehensively or financially, all quality of life issues.

3 (c) Several agencies currently have purview over the varied  
4 aspects of our quality of life.

5 (d) Compatibility and thoroughness of these various agencies'  
6 plans and financing mechanisms are key to implementing mobility  
7 improvements in San Diego. This should be the goal of a regional  
8 comprehensive plan.

9 (e) It is further the goal that the consolidated agency's  
10 transportation funding shall be allocated contingent upon each  
11 jurisdiction's general plan and its compatibility with the regional  
12 comprehensive plan.

13 (f) The public is directly affected by the actions of the  
14 consolidated agency and must have adequate opportunities to  
15 participate in the consolidated agency's decisions affecting the  
16 future of our regional quality of life.

17 (g) To ensure that the vision and goals of the regional  
18 comprehensive plan are implemented, the consolidated agency  
19 must monitor its progress through realistic measurable standards  
20 and criteria, which must be included in the regional  
21 comprehensive plan itself and made available to the public.

22 (h) It is critical that the public be informed in a timely manner  
23 on the regional decision making process within their own  
24 jurisdictions and have access to the records of decisions, in  
25 compliance with the public records act.

26 SEC. 2. Section 132352.6 of the Public Utilities Code is  
27 amended to read:

28 132352.6. (a) The consolidated agency shall submit a report  
29 to the Governor and Legislature by December 31 of odd numbered  
30 years beginning in 2005, regarding progress in carrying out the  
31 provisions of this act.

32 (b) By December 31, 2004, the Legislative Analyst Office  
33 (LAO) shall prepare a report to the Governor and the Legislature  
34 which shall evaluate and make recommendations on the  
35 consolidated agency in the following areas:

36 (1) The effectiveness of the current governance structure  
37 within the region including, but not limited to, public  
38 participation, accountability, proportional representation and to  
39 examine various alternative governance structures.

(2) The effectiveness in addressing the transportation needs of the region, including coordination and ~~efficiencies~~ *efficiencies* in transportation planning and implementation as a result of the consolidation.

(3) The effectiveness of addressing quality of life indicators including, but not limited to, land use patterns, a viable and sustainable economy, affordable public transportation, affordable housing, transportation mobility options, air and water quality, and open space and natural habitat preservation, including, but not limited to, the agency created by the act, the county board of supervisors.

(4) The adequacy of the scope and authority for regional decisionmaking.

(c) The consolidated agency shall pay for the costs of the study which shall be capped at an amount not to exceed one hundred fifty thousand dollars (\$150,000).

*(d) After the Legislative Analyst's report has been submitted to the Governor and the Legislature as required by subdivision (b), and before any legislative proposal is enacted on how the consolidated agency governance structure should be finalized and implemented, the proposal shall first be approved by a majority vote of the voters residing within the jurisdiction of the consolidated agency prior to adoption.*

SEC. 3. Article 6.5 (commencing with Section 132360) is added to Chapter 3 of Division 12.7 of the Public Utilities Code, to read:

Article 6.5. Adoption and Administration of a Regional  
Comprehensive Plan

132360. (a) By June 30, 2004, the consolidated agency shall have concluded a public process to prepare and adopt a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.

(b) The regional comprehensive plan should preserve and improve the quality of life in the San Diego region, maximize mobility and transportation choices, and conserve and protect natural resources.

1 (c) The regional comprehensive plan shall be updated  
2 concurrently with the regional transportation plan.

3 132360.1. The regional transportation plan shall be consistent  
4 with the regional comprehensive plan.

5 132360.2. The components of the regional comprehensive  
6 plan may include, but are not limited to, the following:  
7 transportation, housing, water quality, infrastructure, and open  
8 space-including habitat. At some future date, components such as  
9 water supply, air quality, solid waste, economy, and energy shall  
10 be part of the regional comprehensive plan. Performance  
11 standards and measurable criteria shall be established through a  
12 public process to ensure that the plan is prepared consistent with  
13 these measures as well as in determining achievement of the plan  
14 goals throughout its implementation.

15 132360.3. (a) In formulating and maintaining the regional  
16 comprehensive plan, the consolidated agency shall take account of  
17 and shall seek to harmonize the needs of the region as a whole, the  
18 plans of the county and cities within the region, and the plans and  
19 planning activities of organizations that affect or are concerned  
20 with planning and development within the region.

21 (b) The consolidated agency shall engage in a public  
22 collaborative planning process. The recommendations resulting  
23 from the public process shall be integrated into the draft plan to be  
24 recommended to the consolidated agency. The agency shall  
25 respond to the recommendations made by the public collaborative  
26 process within 30 days.

27 (c) In formulating and maintaining the regional comprehensive  
28 plan, the consolidated agency shall seek the cooperation and  
29 consider the recommendations of all of the following:

30 (1) Its member agencies and other agencies of local  
31 government within the jurisdiction of the consolidated agency.

32 (2) State and federal agencies.

33 (3) Educational institutions.

34 (4) Research organizations, whether public or private.

35 (5) Civic groups.

36 (6) Private individuals.

37 (7) Governmental jurisdictions located outside the region but  
38 contiguous to its boundaries.

39 132360.4. The consolidated agency shall make the  
40 comprehensive regional plan policies and objectives available to

1 all local agencies and facilitate consideration of the  
2 comprehensive regional plan in the development, implementation,  
3 and update of local general plans. The consolidated agency shall  
4 provide assistance and enhance the opportunities for local  
5 agencies to develop, implement, and update general plans in a  
6 manner that recognizes, at a minimum, land use, transportation  
7 compatibility, and a jobs-to-housing balance within the regional  
8 comprehensive plan.

9 132360.5. The consolidated agency shall maintain the data,  
10 maps, and other information developed in the course of  
11 formulating the regional comprehensive plan in a form suitable to  
12 assure a consistent view of developmental trends and other  
13 relevant information for the availability of and use by other  
14 government agencies and private organizations.

15 132360.6. Each member agency shall be responsible for  
16 reviewing actions that the consolidated agency makes on state and  
17 federally regulated or mandated items and shall report these  
18 actions to their respective jurisdiction for review.

19 132360.7. All documents created in compliance with this  
20 article shall be made available and ready for public review in  
21 compliance with the California Public Records Act (Chapter 3.5  
22 (commencing with Section 6250) of Division 7 of Title 1 of the  
23 Government Code).

24 SEC. 4. Notwithstanding Section 17610 of the Government  
25 Code, if the Commission on State Mandates determines that this  
26 act contains costs mandated by the state, reimbursement to local  
27 agencies and school districts for those costs shall be made pursuant  
28 to Part 7 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the claim for  
30 reimbursement does not exceed one million dollars (\$1,000,000),  
31 reimbursement shall be made from the State Mandates Claims  
32 Fund.

